

# Order

Michigan Supreme Court  
Lansing, Michigan

September 30, 2019

Bridget M. McCormack,  
Chief Justice

157003

David F. Viviano,  
Chief Justice Pro Tem

WHITNEY HENDERSON,  
Plaintiff-Appellee,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 157003  
COA: 334105  
Macomb CC: 2015-002323-NI

ERIC M. KING and D & V EXCAVATING,  
LLC,

Defendants-Appellants,

and

USAA CASUALTY INSURANCE COMPANY,  
and ESURANCE PROPERTY AND CASUALTY  
INSURANCE COMPANY,  
Defendants-Appellees,

and

VMC CONTRACTING, LLC,  
Defendant.

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By order of May 29, 2018, the application for leave to appeal the November 28, 2017 judgment of the Court of Appeals was held in abeyance pending the decision in *Dye v Esurance Property & Casualty Ins Co* (Docket No. 155784). On order of the Court, the case having been decided on July 11, 2019, 504 Mich \_\_\_\_ (2019), the application is again considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

CAVANAGH, J., did not participate due to her prior relationship with Garan Luow Miller, P.C.



a0923

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 30, 2019

Clerk